



MINUTES OF THE COMMON COUNCIL

TUESDAY, OCTOBER 3, 2017, 7:00 P.M.

COUNCIL CHAMBERS

ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Vanessa Chavez. Alderpersons: B. Dorff, A. Nicholson, W. Galvin, D. Nennig, J. Moore, R. Scannell, C. Wery, G. Zima, M. Steuer, J. Vander Leest. Excused: T. DeWane, T. Sladek.

Pledge of Allegiance.

Mayor Schmitt led the Invocation.

Moved by Ald. Nicholson, seconded by Ald. Dorff to approve the minutes of the September 19, 2017, meeting. Motion carried.

Moved by Scannell, seconded by Ald. Nennig to approve the agenda. Motion carried.

REPORT BY THE MAYOR

Ben's Wish helps fight food insecurity issues. Every weekend they pack food for children.

The American Heart Association has a "heart wall" near the Welcome Center. Honor your reasons through the "100 Reasons to Give" Wall.

DPW employee, Darren Olsen, placed 12th in the National Snowplow Rodeo.

PUBLIC HEARING

Zoning Ordinance No. 13-17

An ordinance rezoning property located at 2996 Finger Road from Low Density Residential (R1) District to Neighborhood Center (NC) District.

No one appeared.

Moved by Ald. Scannell, seconded by Ald. Nennig to suspend the rules for the purpose of adopting the ordinance. Motion carried.

PETITIONS & COMMUNICATIONS

COUNCIL PRESIDENT & VICE PRESIDENT

Request by Ald. Zima that the President and Vice President work with him and the next senior member of the Council to explore the possibility of purchasing and remodeling the Chase Banking property between Washington and Adams Streets for the purpose of meeting the needs of the Police Department.

FINANCE COMMITTEE, LAW DEPARTMENT & MAYOR'S OFFICE

Request by Ald. Moore for the following:

- Draft a resolution supporting leniency in the ADA rules regarding closed captioning for government entities who live stream committee meetings.
- Contact Representative Gallagher's Office and lobby for legislation which would provide a greater level of open government, and also provide significant budgetary savings by exempting municipalities from having to closed caption live streams of committee and council meetings.
- Provide a minimum of \$100k in the 2018 Budget contingency in case enforcement of ADA compliancy regarding closed captioning is put into effect.

FIRE DEPARTMENT & DEPARTMENT OF PUBLIC WORKS

Request by Ald. Steuer to look into the possibility of the Fire Department selling their property at 130 N. Henry Street, with the further possibility of combining the Fire Department garage with the west side DPW garage.

PERSONNEL COMMITTEE

Request by Ald. Scannell to change the procedures used at Council meetings to a Consent Agenda format.

Request by Ald. Wery to review and determine/or set a City policy for minutes (written or other) of any City meetings as deemed appropriate.

PLAN COMMISSION

Request by Ald. Wery, that due to a new (or revised) State Law, ascertain what changes may be needed to the Short-Term Rental Ordinance.

PROTECTION & WELFARE COMMITTEE

Application for a "Class A" Liquor and a Class "A" Beer License by Kwik Trip, Inc. at 2400 University Avenue.

Application for a "Class B" Combination License by ZZQ's, LLC at 1035 Vanderbraak Street. (Currently Eagles Club)

Application for an available "Class B" Combination License by Wirz Industries, LLC at 131 S. Washington Street.

Notice of the change of agent for Sam's East, Inc. at 2470 W. Mason Street.

Request by Ald. Dorff to review the ordinance that allows only two dogs per household and consider a change to allow up to three dogs per household.

TRAFFIC, BICYCLE & PEDESTRIAN COMMISSION

Request by Ald. Dorff that the City Traffic Engineer work with the Commission to develop a plan to enable students to safely cross Laverne Drive toward the southern boundary of the Baird School Property without requiring them to go to the controlled intersection of Humboldt Road, which necessitates crossing up to three additional uncontrolled intersections.

Moved by Ald. Wery, seconded by Ald. Scannell to refer the petitions and communications to the appropriate committee or commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE PARK COMMITTEE

October 3, 2017

The Park Committee, having met on Wednesday, September 27, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To work towards preserving the existing 9/11 monument and to direct staff to research the historic documentation of what was placed in the memorial, present options for repairs and cost estimates to the Park Committee and that the City acknowledge the commitments the donor group made to the NYC WTC committee when the 9/11 steel beam was donated.
2. To approve the request by Ald. DeWane to amend Section 2.603 of the Green Bay Municipal Code relating to weapons in the City, to change the requirement to allow hunting with a bow or cross bow from 100 yards to 50 yards from a building with the owner's permission.

Moved by Ald. Nicholson, seconded by Ald. Dorff to adopt the report with the exception of Item #1. Motion carried.

Moved by Ald. Zima, seconded by Ald. Steuer to adopt Item #1.

Moved by Ald. Scannell, seconded by Ald. Dorff to receive Item #1 and place it on file. This motion was withdrawn.

Moved by Ald. Scannell, seconded by Ald. Dorff to amend Item #1 by deleting the first words up to "to direct", adding "making of the memorial" after "documentation" and adding "cost of removing the granite as soon as possible." at the end.

Roll call: Ayes: Dorff, Galvin, Nennig, Scannell. Noes: Nicholson, Moore, Wery, Zima, Steuer, Vander Leest. Motion failed.

A vote was then taken on the motion to adopt Item #1.

Roll call: Ayes: Dorff, Nicholson, Galvin, Nennig, Moore, Wery, Zima, Steuer, Vander Leest. Noes: Scannell. Motion carried.

Report of the Green Bay Plan Commission October 3, 2017

The Green Bay Plan Commission, having met on Monday, September 25, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To refer to the Park Committee the request by Ald. Guy Zima to review and update the "Green Bay Wisconsin Comprehensive Waterfront Plan 1995" to determine what can be done to complete the vision of that study.

2. To receive and place on file the referral from the Improvement & Services Committee on the request of Ald. Tom Sladek to discuss the creation of an ordinance limiting the height of property-line hedges to the same height as property-line fences.
3. To authorize a Conditional Use Permit (CUP) for a single-family home within an Office/Residential (OR) located at 308 S. Quincy Street, subject to:
 - a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit and standard site plan review/approval.
 - b. Approval by the Green Bay Redevelopment Authority.
4. To amend Chapter 13-2013(i)(2) Mitigation of Multiple Message Signs, subject to the following draft language:
13-2013(2)(d)
(d) Relocating an existing multiple message sign from one location to another within the City shall not require a mitigation plan, provided that such relocation does not result in an increase in the overall number of sign faces or structures (whether static or multiple message) located in the City. In lieu of a mitigation plan, the applicant shall remove three (3) existing billboard sign faces under the current billboard inventory as required in Chapter 13-2013(j). A conditional use permit is nevertheless required for the relocation or replacement of a billboard sign.
5. To approve a Plat of Right-of-Way and Map Amendment for Erie Road.

Moved by Ald. Nennig, seconded by Ald. Scannell to adopt the report. Motion carried.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY

October 3, 2017

The Green Bay Redevelopment Authority, having met on Tuesday, September 26, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To hold consideration with possible action on Development Agreement with Schwabe North America for Nature's Way Development at 954 Erie Road (Parcel 21-171-2) and 1024 Erie Road (Parcel 21-171-4) until the next RDA meeting.

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the report. Motion carried.

INFORMATIONAL ONLY

REPORT OF THE TID JOINT REVIEW BOARD October 3, 2017

The members of the TID Joint Review Board, having met on Tuesday, September 26, 2017, considered all matters on its agenda and wish to report and recommend the following:

1. To receive and place on file the staff report on Tax Incremental District Twelve (TID 12); I-43 Industrial Park.
2. To approve a Resolution adopting an Allocation Amendment to the Project Plan for Tax Incremental District Twelve (TID 12); I-43 Industrial Park.
3. To receive and place on file the staff report on Tax Incremental District Nineteen (TID 19): East Town / East Mason.
4. To approve a Resolution creating Tax Incremental District Nineteen (TID 19): East Town / East Mason and the adoption of the Project Plan.

Moved by Ald. Moore, seconded by Ald. Scannell to receive the report and place it on file. Motion carried.

REPORT OF THE TRAFFIC, BICYCLE, AND PEDESTRIAN COMMISSION October 3, 2017

The Traffic, Bicycle, and Pedestrian Commission, having met on Monday, September 18, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To modify the FLASHING DON'T WALK times at Shawano Avenue and Oneida Street from 15 to 16 seconds for eastbound and westbound pedestrian movements and from 18 to 20 seconds for northbound and southbound pedestrian movements.
2. To deny the request on behalf of property owners within the Legends District to restrict parking Day of Packers Game.
3. To refer to the Improvement and Service Committee the request on behalf of property owners within the Legends District to restrict parking Day of Packers Game, with a recommendation from the Traffic, Bicycle, and Pedestrian Commission to consider sidewalk installation within the Legends District.

4. To refer to staff to research the agreement between Nicolet National Bank and the City of Green Bay relative to the City providing the bank with permanent on-street customer only parking on the west side of Washington Street in front of their headquarters.
5. To refer to staff to study the locations and agreements of customer-only on-street parking zones within the City of Green Bay.
6. To refer to staff the request for the Traffic Engineer to study parking problems on Gross Avenue in and around the vicinity of Marquette Park.
7. To remove the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Elizabeth Street from a point 65 feet north of Cedar Street to Elm Street.
8. To establish and adopt by ordinance a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the east side of Elizabeth Street from a point 150 feet north of Cedar Street to Elm Street.
9. To establish and adopt by ordinance a NO PARKING zone on the east side of Elizabeth Street from a point 65 feet north of Cedar Street to a point 150 feet north of Cedar Street.

Moved by Ald. Scannell, seconded by Ald. Steuer to adopt the report. Motion carried.

REPORT OF THE FINANCE COMMITTEE October 03, 2017

The Finance Committee having met on Tuesday, September 26, 2017, considered all matters on its agenda and wishes to report and recommends the following:

1. To approve report of the Claims Committee.
2. To receive and place on file the report by the Finance Director.

Moved by Ald. Scannell, seconded by Ald. Moore to adopt the report. Motion carried.

REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE October 3, 2017

The Improvement and Service Committee, having met on September 27, 2017 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Luxemburg-Casco School District to obtain small equipment motors collected by Department of Public Works Sanitation Section for use in a small engine repair class taught by the school.
2. To receive and place on file the request by Ald. Moore to review Parking Utility to include:
 - hours of operation
 - time spent in neighborhoods
 - revenues through citations
 - staffing
3. To receive and place on file the request by Ald. Zima that the City consider providing an opening on the east and west sides of the West Mason Street Bridge to allow the possibility of a turnaround for traffic when the bridge is up for an extended period of time similar to the openings on the Main Street (Nitschke) Bridge.
4. To approve the request by Department of Public Works to amend the State/Municipal Agreement with the Wisconsin Department of Transportation for the reconstruction of Webster Avenue – University Avenue to Radisson Street and to authorize the Director to execute the amendment.
5. To approve the request by Department of Public Works on proposed 2018 Parking Division rates and fees report.
6. To approve the report of the Purchasing Manager:

To purchase 17 Digital Mobile Radios from Nielson Communications, Inc. for \$11,628.
7. To approve the request by YMCA for a Permanent Limited Easement within Alley at the rear of 235 N. Jefferson Street to allow existing Mechanical Room to remain under alley pavement.
8. To approve the following Offering Price Reports:

WEBSTER AVENUE – UNIVERSITY AVENUE TO RADISSON STREET
PROJECT ID. # 4987-02-64

Housing Authority of the City of Green Bay Parcel 1	\$94,000
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Grunwald Property Management, LLC Parcel 2	\$93,000
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James C. Drummond Parcel 3	\$93,000
Reginald & Jean A. Doxtater Parcel 4	\$89,000
James & Kathleen F. Lawniczak Parcel 5	\$112,000
Roger D. DeLaruelle, Sr. Parcel 6	\$103,000
Private Portfolio, LLC Parcel 7	\$54,000
Carol Petasek Parcel 8	\$79,000
David G. & Jeanette A. Klaus Parcel 10	\$80,000
Richard J. & Bonnie L. Detiege Parcel 11	\$92,000

Moved by Ald. Scannell, seconded by Ald. Dorff to adopt the report with the exception of Items #3 and #8. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Steuer to adopt Item #3.

Moved by Ald. Zima, seconded by Ald. Moore to refer Item #3 back to the Improvement & Service Committee to draft a resolution to be sent to the State requesting openings for turnarounds on the Mason Street Bridge. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Nicholson to adopt Item #8.

Ald. Moore offered an option to relocate the house on Parcel 6.

A vote was then taken on the motion to adopt Item #8. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE

October 3, 2017

The Personnel Committee, having met on Tuesday, September 26, 2017 considered all matters on its agenda and reports and recommends the following:

1. To approve request to fill the replacement position of Maintenance Specialist II/Mechanic in Parks, Recreation & Forestry and all subsequent vacancies resulting from internal transfers.
2. To approve out-of-state travel requests for the following:

- a. Development Specialist and Real Estate Specialist to attend the Environmental Protection Agency's National Brownfields Training Conference in Pittsburg, Pennsylvania, December 4 -8, 2017 at no cost to the City for room, board or transportation.
 - b. Fleet Manager to travel to Levis, Quebec, Canada in mid-November for pre-delivery inspection of two new automated refuse collection trucks. Estimated cost to the City, \$75 for meals.
 - c. Lt. Allen to attend FEMA Field Force Command Training Program in Anniston, Alabama November 5 – 10, 2017 at no cost to the City for room, board or transportation.
 - d. Maintenance Training of newly purchased Holmatro Vehicle Extrication Equipment in Maryland, for Fire Mechanic Mark Retzlaff October 25-27, 2017 and Sr. Fire Mechanic Trevor Janiak in March or April 2018. Estimated cost for room, board and transportation, \$3,200.
3. To receive and place on file the presentation by IT Administrator and City Clerk on the Legislative Management System Software from NovuSolutions.
 4. To return to two Committee meetings and two City Council meetings per month, for the months of June, July, August and September.
 5. To receive and place on file the report of Routine Personnel Actions for regular employees.

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the report with the exception of Items #3 and #4. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt Item #3.

Roll call: Ayes: Dorff, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest. Noes: None. Motion carried.

Moved by Ald. Nennig, seconded by Ald. Scannell to adopt Item #4.

Moved by Ald. Scannell, seconded by Ald. Nicholson to hold Item #4 until the next meeting. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

October 3, 2017

The Protection & Welfare Committee, having met on Monday, September 25, 2017 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the change of agent for Kwik Trip 420 at 1712 E. Mason St.
2. To approve an appeal by Kathy Guillett to the denial of her Operator License application.

3. To hold until the next P&W meeting an ordinance relating to animals prohibited at Farmers' Market events and to have staff reach out to notify interested parties to attend next meeting for further discussion and input.
4. To hold a request that the City develop a plan of action regarding the increasing rat problems on the west side of the City for 30 days and have the Inspections Department report back with updates and provide results of their current efforts.
5. To refer a communication to I&S to have DPW work with Inspections to review and modify their bulk pick-up program.

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the report. Motion carried.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES

October 3, 2017

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted.

Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Archiquette, Alisa M
Clark, Laurie A
Delforge, Stacey M
Holsey, Leonard B
Johnson, Phylcia S
Niemi, Isabel M
Oldenburg, Kenneth L
Pfefferle, Hailee M
Rice, Christopher M
Schoepke, Michelle M
Schuster, Ryan R.
Sebo, Jean M
Smith, Nicole M
Tetzlaff, Brianna R
Truckey, Sherryll L
Verhagen, Shelly J
Webster, Corey M

Moved by Ald. Zima, seconded by Ald. Scannell to adopt the report. Motion carried.

RESOLUTIONS

Moved by Ald. Scannell, seconded by Ald. Dorff to suspend the rules for the purpose of adopting all of the resolutions with one roll call vote. Motion carried.

FINAL PAYMENTS RESOLUTION

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

October 3, 2017

1. "SIDEWALKS 2016"

Fischer Ulman Construction, Inc.

TOTAL AMOUNT EARNED:	\$ 384,440.84
LESS AMOUNT RETAINED:	\$ 0.00
	\$ 384,440.84
LESS AMOUNT PREVIOUSLY PAID:	\$ 372,857.87
AMOUNT DUE THIS ESTIMATE:	\$ 11,582.97

ACCOUNT NUMBERS

410600-55305-99504: \$1,780.64

402500-55340-61026: \$9,802.33

PO #1600198

Adopted October 3, 2017

Approved October 4, 2017

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Dorff, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest. Noes: None. Motion carried.

**RESOLUTION APPROVING
OFFERING PRICE REPORTS
WEBSTER AVENUE – UNIVERSITY AVENUE TO RADISSON STREET
PROJECT ID #4987-02-64
October 3, 2017**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the following Offering Price Reports:

WEBSTER AVENUE – UNIVERSITY AVENUE TO RADISSON STREET PROJECT
ID #4987-02-64

Housing Authority of the City of Green Bay Parcel 1	\$94,000
Grunwald Property Management, LLC Parcel 2	\$93,000
James C. Drummond Parcel 3	\$93,000
Reginald & Jean A. Doxtater Parcel 4	\$89,000
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Roger D. DeLaruelle, Sr. Parcel 6	\$103,000
Private Portfolio, LLC Parcel 7	\$54,000
Carol Petasek Parcel 8	\$79,000
David G. & Jeanette A. Klaus Parcel 10	\$80,000
Richard J. & Bonnie L. Detiege Parcel 11	\$92,000

Adopted October 3, 2017

Approved October 4, 2017

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Dorff, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest. Noes: None. Motion carried.

**RESOLUTION APPROVING
PERMANENT LIMITED EASEMENT
WITHIN ALLEY AT THE REAR OF 235 N. JEFFERSON STREET
October 3, 2017**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve request by YMCA for a Permanent Limited Easement within Alley at the rear of 235 N. Jefferson Street to allow existing Mechanical Room to remain under alley pavement.

Adopted October 3, 2017

Approved October 4, 2017

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Dorff, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING CONDITIONAL-USE
APPROVAL AT 308 SOUTH QUINCY STREET
(ZP 17-25)**

October 3, 2017

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 17-25 and the recommendation of the Plan Commission on September 25, 2017, the City of Green Bay does authorize a conditional-use permit for a single-family home within an Office/Residential (OR) located on the following described property at 308 South Quincy Street:

PLAT OF ASTOR PART OF LOT 2 BLK 37 AS DESC IN J16421-
22 (Tax Parcel Number 14-411)

Said conditional-use permit shall be granted subject to the following conditions:

- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit and standard site plan review/approval.
- b. Approval by the Green Bay Redevelopment Authority.

Adopted October 3, 2017

Approved October 4, 2017

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Zima seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Dorff, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest. Noes: None. Motion carried.

ORDINANCES - FIRST READING

GENERAL ORDINANCE NO. 15-17

**AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone:

ELIZABETH STREET, east side, from a point 65 feet north of Cedar Street to Elm Street

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone:

ELIZABETH STREET, east side, from a point 150 feet north of Cedar Street to Elm Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zone:

ELIZABETH STREET, east side, from a point 65 feet north of Cedar Street to a point 150 feet north of Cedar Street

SECTION 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2017.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Dorff to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Steuer to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 16-17

**AN ORDINANCE AMENDING SECTION 13-2013(i)(2),
GREEN BAY MUNICIPAL CODE,
RELATING TO MITIGATION OF
MULTIPLE MESSAGE SIGNS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-2013(i)(2) Green Bay Municipal Code, is hereby amended as follows:

(i) Multiple message sign operation. (Amd. GO 13-09) Multiple message signs are permitted as a conditional use. To be considered for a conditional use permit, such signs must meet all regulations of this chapter and the following:

(1) Standards for multiple message signs.

- a. The transition time, or the time it takes to change the message (electronically, via louver rotation, or other means), shall be one second or less.
- b. The time the message remains in a fixed position shall be eight seconds or more, and movement or animation is prohibited.
- c. Audio speakers and all forms of pyrotechnics are prohibited.

- d. Electronic multiple message signs (digital billboards) shall be equipped with automatic dimming capability, and light produced by such signs shall not exceed 0.3 foot candles over ambient light levels. The ambient light reading is taken at least 30 minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading is taken with the sign displaying all white copy. Measurement of light levels should be taken perpendicular to the face of the sign, and the following distances should be used as guidelines to determine where to take measurements:
 - i. 100 square foot or smaller sign to be measured 100 feet from source
 - ii. Greater than 100 to 350 square foot sign to be measured 150 feet from source
 - iii. Greater than 350 to 650 square foot sign to be measured 200 feet from source
 - iv. Greater than 650 to 700 square foot sign to be measured 250 feet from source
 - e. Spill-over light exceeding 0.2 foot candles as measured at a residential property line is prohibited.
- (2) Mitigation of multiple message signs. Since the maximum number of off-premise signs permitted in the City is fixed at the number in the current sign inventory, and because multiple message signs can display multiple messages, a new multiple message sign (whether new construction or sign replacement) shall be mitigated. In addition to meeting the requirements of subpar. (j), a new multiple message sign must earn at least 5 mitigation points per sign face. One or more existing billboards will be removed as part of the mitigation process.
- a. Mitigation points can be earned in the following ways. Note that points are assessed and required per sign face.
 - i. Five (5) points per sign face for the removal of a billboard that is nonconforming due to location in the CBD, a natural area, or a historic district
 - ii. Four (4) points per sign face for the removal of any other nonconforming billboard
 - iii. Three (3) points per sign face for the removal of a conforming billboard that is capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face
 - iv. Two (2) points per sign face for the removal of any other existing billboard that is not capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face

- v. One (1) additional point per sign face for the removal of a billboard visible from a street or highway with a functional classification of Interstate, Freeway, or Principal Arterial
 - vii. No points are awarded for the replacement of an existing billboard (While a digital billboard may be approved where an existing static sign has been removed from a conforming location, this sign removal does not count toward the required mitigation points. The points must be obtained from other sign sites.)
- b. A mitigation plan shall be submitted for review by the Planning Department, and more than one new multiple message sign may be included in a single mitigation plan. The cumulative points earned for sign removal may be applied to multiple signs within a single mitigation plan and sign permit application. However, any excess points remaining are not carried over or “banked” for future applications. In other words, mitigation points will not be tracked beyond a single sign project which may involve multiple new signs. The reason for this is to avoid conflicts between mitigation points and the existing cap on the total number of allowable off-premise signs.
 - c. If the cumulative result of a sign project and mitigation plan is a net reduction in signs, then the maximum allowable number of off-premise signs for the City as a whole will be reduced immediately. This means that signs removed under a mitigation plan can only be replaced with the multiple message sign(s) being mitigated. They cannot be replaced with other signs in the future.
 - d. **Relocating an existing multiple message sign from one location to another within the City shall not require a mitigation plan, provided that such relocation does not result in an increase in the overall number of sign faces or structures (whether static or multiple message) located in the City. In lieu of a mitigation plan, the applicant shall remove three (3) existing billboard sign faces under the current billboard inventory as required in Chapter 13-2013(j). A conditional use permit is nevertheless required for the relocation or replacement of a billboard sign.**

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this _____ day of _____, 2017.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Dorff to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Steuer to advance the ordinance to the third reading. Motion carried.

PLANNING ORDINANCE NO. 06-17

**AN ORDINANCE
AMENDING THE OFFICIAL MAP OF THE
CITY OF GREEN BAY TO APPROVE A PLAT OF RIGHT-OF-WAY
FOR ERIE ROAD FROM EAST MASON STREET TO PADI-WOOD LANE
(ROW 17-03)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. The Official Map of the City of Green Bay, as created by Section 12.02, Green Bay Municipal Code, is hereby amended to establish the Plat of Right-of-Way required for Erie Road, as depicted on a map attached hereto and made a part of this ordinance as though fully set forth herein.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 12.03, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2017.

APPROVED:

Mayor

ATTEST:

Clerk

**DESCRIPTION OF PROPERTIES AFFECTED BY PLAT OF RIGHT-OF-WAY FOR
ERIE ROAD FROM EAST MASON STREET TO PADI-WOOD LANE**

Parcel 1 – Fee Title

Grantor: John R. Ver Boort

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Easterly 35.0 feet of that part of Brown County Document Number 186911, in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 11, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Except that part previously conveyed for street purposes.

Part of tax parcel number 21-171.

Parcel 1 – Temporary Limited Easement (TLE)

Grantor: John R. Ver Boort

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Westerly 10.0 feet of the Easterly 45.0 feet of Brown County Document Number 186911, in part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 11, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Parcel contains 4272 square feet of land more or less.

Part of tax parcel number 21-171.

Parcel 2 – Temporary Limited Easement (TLE)

Grantor: City of Green Bay, a Wisconsin Municipal Corporation

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Easterly 5.0 feet of Lot 2, Brown County Certified Survey Map Number 8656, as file in Volume 61 of Certified Survey Maps, Page 198, being part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 11, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Parcel contains 1518 square feet of land more or less.

Part of tax parcel number 21-171-2.

Parcel 3 – Temporary Limited Easement (TLE)

Grantor: City of Green Bay, a Wisconsin Municipal Corporation

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Easterly 5.0 feet of Lot 1, Brown County Certified Survey Map Number 8656, as file in Volume 61 of Certified Survey Maps, Page 198, being part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 11, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Parcel contains 2356 square feet of land more or less.

Part of tax parcel number 21-171-4.

Parcel 4 – Fee Title

Grantor: Dale R Ronsman and Rose Ronsman

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

The East 35 feet of the South 117 feet of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 11, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin. Excepting therefrom that part previously conveyed for road purposes.

Parcel contains 1201 square feet of land more or less.

Part of tax parcel number 21-171-1.

Parcel 4 – Temporary Limited Easement (TLE)

Grantor: Dale R Ronsman and Rose Ronsman

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

The West 5 feet of the East 40 feet of the South 117 feet of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 11, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin. Excepting therefrom that part previously conveyed for road purposes.

Parcel contains 1201 square feet of land more or less.

Part of tax parcel number 21-171-1.

Parcel 5 – Temporary Limited Easement (TLE)

Grantor: Dorothy M Zuidmulder

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Westerly 17.0 feet of the Easterly 41.75 feet of the North 200 feet of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 11, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Parcel contains 3400 square feet / 0.078 acres of land more or less.
Part of tax parcel number 21-184.

Parcel 6 – Temporary Limited Easement (TLE)

Grantor: John J Bunker and Peter G Reines

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Westerly 5.0 feet of Lot 1, Brown County Certified Survey Map Number 2356, as file in Volume 11 of Certified Survey Maps, Page 41, being part of the Southwest ¼ of the Northwest ¼, Section 12, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Parcel contains 1339 square feet of land more or less.

Part of tax parcel number 21-199-2.

Parcel 7 – Fee Title

Grantors: Pierquet Family Limited Partnership, a Wisconsin limited partnership;
Peters Family Limited Partnership;
Trustees of the Martin J. Kaster and Debra L. McGlaufflin Living Trust;
DMARHA, LLC a Wisconsin Limited Liability Company;
William J. Jauquet, Donald Jauquet and John Jauquet as Trustees of the
Claudia F. Jauquet Children's Trust;
Kaster Family LLC, a Wisconsin limited liability company

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Westerly 35.0 feet of the Southwest ¼ of the Northwest ¼, Section 12, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Excepting Lot 1, Brown County Certified Survey Map Number 2356, as file in Volume 11 of Certified Survey Maps, Page 41, being part of the Southwest ¼ of the Northwest ¼, Section 12, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Also excepting that part previously conveyed for street purposes.

Parcel contains 9769 square feet / 0.224 acres of land more or less.

Part of tax parcel number 21-199.

Parcel 7 – Temporary Limited Easement (TLE)

Grantors: Pierquet Family Limited Partnership, a Wisconsin limited partnership;
Peters Family Limited Partnership;
Trustees of the Martin J. Kaster and Debra L. McGlaufflin Living Trust;
DMARHA, LLC a Wisconsin Limited Liability Company;
William J. Jauquet, Donald Jauquet and John Jauquet as Trustees of the
Claudia F. Jauquet Children's Trust;

Grantee: Kaster Family LLC, a Wisconsin limited liability company
City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Easterly 10.0 feet of the Westerly 45.0 feet of the Northerly 180.0 feet of the Southerly 213 feet of the Southwest ¼ of the Northwest ¼, Section 12, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

And

The Easterly 5 feet of the Westerly 40.0 feet of the Northerly 773.11 feet of the Southerly 986.11 feet of the Southwest ¼ of the Northwest ¼, Section 12, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Parcel contains 5665 square feet / 0.130 acres of land more or less.
Part of tax parcel number 21-199.

Parcel 8 – Temporary Limited Easement (TLE)

Grantor: Kelly L. Boucher and Linda A. Pagonis

Grantee: City of Green Bay, a Wisconsin Municipal Corporation

Legal Description:

The Easterly 20.0 feet Westerly 44.75 feet of the Southerly 170.0 feet of the Northerly 203.0 feet of the Northwest ¼ of the Southwest ¼, Section 12, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

Parcel contains 3400 square feet / 0.078 acres of land more or less.

Part of tax parcel number 21-204-1.

Moved by Ald. Scannell, seconded by Ald. Dorff to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Steuer to advance the ordinance to the third reading. Motion carried.

ORDINANCE - THIRD READING

ZONING ORDINANCE NO. 13-17

**AN ORDINANCE
REZONING PROPERTY LOCATED
AT 2996 FINGER ROAD
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT
TO NEIGHBORHOOD CENTER (NC) DISTRICT
(ZP 17-19)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density Residential (R1) District to Neighborhood Center (NC) District:

2996 Finger Road: HERLACHE PLAT LOT 8
(Tax Parcel No. 21-5263)

3000 Block Finger Road: W 1/2 NE 1/4 NE 1/4 SEC 10 T23N R21E
EX N 281 FT OF E 310 FT & EX 690 R 9 & EX J4561-36 & EX
J14405-27
(Tax Parcel No. 21-143)

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 3rd day of October, 2017.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Scannell, seconded by Ald. Steuer to adopt the ordinance.

Roll call: Ayes: Dorff, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest. Noes: None. Motion carried.

COMMITTEE OF THE WHOLE

Consideration with possible action on status of Oneida Seven Generations Litigation.

Ald. Zima read the following:

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Ald. Zima, seconded by Ald. Scannell to convene in closed session at 8:06 P.M.

Roll call: Ayes: Dorff, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest. Noes: Nicholson. Motion carried.

Moved by Ald. Wery, seconded by Ald. Steuer to reconvene in open session at 8:14 P.M. Motion carried.

Moved by Ald. Moore, seconded by Ald. Steuer to direct staff to continue with staff's recommendation. Motion carried.

Moved by Ald. Moore, seconded by Ald. Scannell to adjourn at 8:15 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk